

Ex Parte

January 28, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338;
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;
Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147

Dear Ms. Dortch:

On Monday, January 27, 2003, the following representatives of the High Tech Broadband Coalition (HTBC) met with Commissioner Kevin Martin and Emily Willeford, Special Assistant to the Commissioner, regarding the above-captioned proceedings: John Boidock, Doug Cooper, Paul Kenefick, Peter Pitsch, Tricia Rimo, Grant Seiffert, Matt Tanelian and the undersigned.

Previously filed HTBC submissions were at the core of the discussion, including comments, reply comments, letters and *ex parte* notices. HTBC representatives emphasized the importance of fundamentally reforming the unbundling rules to create strong incentives to deploy new, last mile broadband facilities. HTBC supports the Commission maintaining a competitive access requirement for existing, legacy facilities while determining that, based on a lack of competitive impairment in the nascent broadband marketplace, the unbundling obligations do not apply to packet-based facilities deployed on the customer side of the central office. Thus, existing non-packet loop capabilities over copper and hybrid fiber/copper loop facilities would continue to be available to competitive local exchange carriers (CLECs), including high capacity UNEs, *e.g.*, DS-1s, subject to Commission determinations with respect to “impairment.”

HTBC is confident that such an approach assures that CLECs would continue to get what they get today, but at the same time provides all carriers with the incentive to invest in new last mile fiber and related broadband facilities where the incumbent local exchange carriers (ILECs) have no unfair advantage and face actual and potential competition from cable modem service providers.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to Commissioner Martin and Ms. Willeford. Questions in connection with this filing may be directed to the undersigned.

Respectfully submitted,

/s/ Derek R. Khlopin

Derek R. Khlopin
Director, Law and Public Policy
Telecommunications Industry Association

cc:
The Honorable Kevin J. Martin
Emily Willeford